

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Keiton Smith,

Plaintiff

v.

Nevada Department of Corrections, et al.,

Defendants

Case No. 2:22-cv-00872-CDS-EJY

Order Denying Plaintiff's
Motion for an Injunction

[ECF No. 96]

Incarcerated pro se plaintiff Keiton Smith brings his fourth motion seeking injunctive relief in this case.¹ ECF No. 96. Like his prior motion (ECF No. 63), he requests treatment related to his back pain, however, this time related to his post-surgery care. Smith again fails to address the requisite factors required for the court to properly consider his request for injunctive relief. While the defendants have not yet responded, I deny Smith's request for an injunction.² For efficiency's sake, I order the defendants to file a status report by October 18, 2023, detailing Smith's post-surgery care at the facility for the court's review.


¹ He also separately moves for clarification of an order issued by Magistrate Judge Youchah. ECF No. 95. Magistrate Judge Elayna J. Youchah will address the clarification motion in the ordinary course. I will therefore not address it in this order but acknowledge it for Smith's awareness that it has been received and docketed in this case.

² As I indicated in my previous order denying Smith's second motion for an injunction, "[a] party seeking an injunction must prove that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." ECF No. 44 at 3 (citing *Stormans, Inc. v. Selecky*, 586 F.3d 1109, 1127 (9th Cir. 2009) (citing *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 22 (2008))). These are commonly known as the *Winter* factors. Because I included these in a prior order (ECF No. 44), and again referenced them in my last order denying his request for injunctive relief (ECF No. 69), Smith has been on notice that addressing those factors is a requirement for properly filing a motion seeking an injunction. If Smith seeks injunctive relief in this case again, **he must address each of these four factors**. Because he does not address them in this motion, I deny it on that basis.

1 IT IS THEREFORE ORDERED that Smith's motion for an injunction [ECF No. 96] is
2 DENIED without prejudice.

3 IT IS FURTHER ORDERED that the defendants must file a status report by October 18,
4 2023, detailing Smith's post-surgery care.

5 DATED: October 2, 2023

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7 Cristina D. Silva
8 United States District Judge
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